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ATTORNEY DOCKET NO. 10031033-1

OCT 12 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael T. Barrett

Serial No.: 10/828,892

Examiner: Katherine D. Salmon

Filing Date: April 20, 2004

Group Art Unit: 1634

Title: METHODS AND COMPOSITIONS FOR ASSESSING CHROMOSOME COPY NUMBER

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

## TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment ☐ Petition to extend time to respond  
☐ New fee as calculated below ☐ Supplemental Declaration  
☒ No additional fee (Address envelope to "Mail Stop Amendments")  
☐ Other: (Fee \$ \_\_\_\_\_)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X 50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X 200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 360	\$ 0
EXTENSION FEE	1 <sup>ST</sup> MONTH 120.00 <input type="checkbox"/>	2 <sup>ND</sup> MONTH 450.00 <input type="checkbox"/>	3 <sup>RD</sup> MONTH 1020.00 <input type="checkbox"/>	4 <sup>TH</sup> MONTH 1590.00 <input type="checkbox"/>		\$ 0
					OTHER FEES	\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Michael T. Barrett

By

Bret E. Field for Mike Beck  
Attorney/Agent for Applicant(s)

Reg. No. 37,620

Date: 10-12-2006

Telephone No. (408) 553-3884

I hereby certify that this paper is being facsimile  
transmitted to the Patent and Trademark Office on  
the date shown below

Date of facsimile: 10-12-2006

Typed Name: Donna Macedo

Signature: 

Rev 08/05 (TransAmend)

3 pgs total

OCT 12 2006

VIA FACSIMILE 571 273 8300		
<b>RESPONSE TO RESTRICTION REQUIREMENT</b>  Address to: Commissioner for Patents P.O. Box 1450 Arlington VA 22313-1450	Attorney Docket Confirmation No.	10031033-1 7766
	First Named Inventor	Michael T. Barrett
	Application Number	10/828,892
	Filing Date	April 20, 2004
	Group Art Unit	1634
	Examiner Name	Katherine D. Salmon
	Title	Methods and Compositions for Assessing Chromosome Copy Number

Dear Sir:

This communication is responsive to the office communication dated September 21, 2006.

In the above referenced office communication, the Examiner imposed a restriction requirement, requiring the election of the claims of either:

Group I, i.e., Claims 1-9 and 26-29;

Group II, i.e., Claims 10-25; or

Group III, i.e., Claim 30-33;

for further prosecution in this application.

The Applicants hereby elect Group I with traverse.

The Applicants also respectfully urge the Examiner to rejoin the claims of Groups II-III with the elected claims of Group I for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

**If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.**